

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 14-42404
Chapter 13

Darrell Noon and Annette Noon,

Debtors.

NOTICE OF HEARING AND MOTION FOR DISMISSAL

TO: All parties in interest pursuant to Local Rule 9013-3.

1. Kyle L. Carlson, chapter 13 trustee, moves to dismiss this case.
2. The court will hold a hearing on this motion at 10:00 a.m. on August 20, 2015, in Courtroom 8 West, 8th Floor, U.S. Courthouse, 300 South 4th Street, Minneapolis, MN 55415.
3. Any response to this motion must be filed and served not later than August 14, 2015, which is five days before the time set for the hearing (including Saturdays, Sundays and legal holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. The motion is brought pursuant to 11 U.S.C. § 1307, Bankruptcy Rule 1017, and Local Rule 1017-2. The debtors commenced this case by filing a voluntary chapter 13 petition on June 4, 2014. This case is pending before this court.
5. The trustee has requested information from Darrell Noon and Annette Noon. Specifically, the trustee has requested information related to gift, inheritances, windfalls, transfers of assets to and from the debtors during the bankruptcy, and proof of the debtors' monthly payments for rent, vehicles, and car insurance. As of the date of this motion, the trustee has not received this information. Accordingly, the trustee has been unable to fully investigate financial affairs in this case. *See* 11 U.S.C. §§ 1302(b) and 704(a)(4) (defining the duties of a chapter 13 trustee). The failure to cooperate with the trustee in furtherance of his duties is cause for dismissal under 11 U.S.C. § 1307. *See In re Ventura*, 375 B.R. 103, 109 (Bankr. E.D.N.Y. 2007) (a trustee's inability to effectively administer the estate due to a debtor's lack of cooperation constitutes "cause" for dismissal).

WHEREFORE, the trustee moves the court for an order dismissing the case and such other relief as may be just and equitable.

Dated: July 17, 2015

/e/ Kyle L. Carlson
Kyle L. Carlson
Chapter 12 & 13 Trustee
PO Box 519
Barnesville, MN 56514
218-354-7356

VERIFICATION

I, Kyle L. Carlson, chapter 13 trustee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: July 17, 2015

/e/ Kyle L. Carlson
Kyle L. Carlson, Trustee

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UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of the standing chapter 13 trustee, declares that on the date indicated below, I served the attached Notice of Hearing and Motion for Dismissal upon all entities named below by first class mail postage prepaid and to any entities who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

**DARRELL NOON AND ANNETTE NOON
23033-174TH ST NW
BIG LAKE, MN 55309**

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: July 17, 2015

/e/ Patricia Halverson
Patricia Halverson
Chapter 13 Office